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# **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

## **Module 6 Instructor Notes**

### **Slide 6-1: Module 6 Management and Supervisor Issues**

- This is the module title slide.
- Announce the module and move quickly to the next slide.
- Materials needed to teach this lesson
  - Tool Kits: Instructor should prepare these ahead of time for “show and tell.” See page 6-6 for a list of items to include.



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## **Module 6**

# **Supervisory and Business Issues**

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# **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

## **Module 6 Instructor Notes**

### **Slide 6-2: Module 6 Overview**

- After looking at physical and technical aspects of lead-safe renovation, remodeling and painting in earlier modules, this module discusses supervisory and business issues that arise from working in a lead-safe manner.
- Note that there are two primary focus areas for this module, and move onto the next slide.
- There are nine slides on supervisor responsibilities and one slide that summarizes benefits of working lead-safe.



### Lesson Overview

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- Key supervisor responsibilities
- Benefits of performing work in a lead-safe manner
- Discussion: Next Steps

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- In addition to understanding how to perform renovation, remodeling, or painting work in a lead safe manner, supervisors must also be aware of a number of other issues. This module will highlight those issues as well as the benefits of performing work in a lead safe manner.

# **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

## **Module 6 Instructor Notes**

### **Slide 6-3: Key Supervisor Responsibilities**

- These are the five major responsibilities for the owner of a small contracting firm.
- Just highlight these responsibilities here; they will be discussed in greater detail on the following slides.



## Key Supervisor Responsibilities

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- Stay informed
- Ensure job performance
- Manage liability
- Manage workers
- Maintain records

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- Key supervisor responsibilities are discussed in detail on the following slides.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-4: Stay Informed

- We discussed federal and state waste disposal regulations briefly in Module 4, and federal, state, and local regulations pertaining to lead-based paint in Module 1.
- State and local regulations may change more frequently than federal requirements, so it is very important to be aware of changes at the state and local level when they occur.
  - State and local health and environmental departments are the best sources of information about regulations and requirements.
  - What do the landfills you interact with say or do about requirements and responsibilities?
  - Have a “Lead Person” in the shop to keep informed of and on top of changing rules.
- Although this training does not address Federal OSHA requirements, supervisors are responsible for knowing and ensuring that their workers follow those requirements.





### Stay Informed

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- State and local regulations pertaining to LBP
- OSHA requirements for worker safety
- Waste management and disposal requirements

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### State and Local Regulations

- As noted earlier, states and local jurisdictions (e.g., counties and cities) may have additional requirements for working on homes with lead-based paint. Supervisors must be familiar with these additional requirements to ensure that work is performed properly. The National Council of State Legislatures (NCSL) provides periodic updates to state laws affecting lead-based paint for all states. The 1999 compilation is located at: <http://www.ncsl.org/programs/ESNR/pblaw99.htm>

### OSHA

- Although this training does not specifically address worker safety issues, supervisors are responsible for ensuring that their workers are properly trained and equipped to work on lead-based paint.

### Waste Management and Disposal

- As indicated earlier in Module 4 (Cleanup and Disposal), state regulations for waste management and disposal vary and may be more stringent than federal requirements. Supervisors must be aware of state requirements. To find out about requirements, contact your state's department of environmental protection or equivalent. To access State hazardous waste websites go to <http://www.epa.gov/epaoswer/osw/stateweb.htm>. This website will point you to specific state sites.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-5: Job Performance

- The two points to emphasize on this slide are that supervisors should:
  - Ensure that their workers have the skills and tools necessary to work in a lead-safe manner; and
  - Know enough about how to work in a lead-safe manner that they can plan their work efficiently to keep costs low and to be able to explain what they are doing, and why, to their clients.
- For example, explaining “We put plastic down on the floor to capture dust that may be created while working and to prevent it from contaminating areas where we are not working; here is how we ensure that the plastic stays where we placed it ...; we pick it up carefully using a series of steps to ensure that any dust on the plastic does not get moved into the air or anywhere else...”



### Ensure Job Performance

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- Skill building
- Tool kits
- Planning
- Client education

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#### Skill building

- Supervisors must ensure that their workers have the necessary skills to accomplish the tasks they are expected to perform. For working on homes with lead-based paint, workers need to know how to contain and cleanup lead dust created while working.

#### Tool kits

- Supervisors should ensure that their workers have access to the tools and supplies necessary to perform their jobs in a manner

#### Planning

- Supervisors must be able to plan work on homes with lead-based paint to be efficient in using workers with the background and skills to accomplish the job. This requires a different set of specs than other jobs. Know who is allowed in which spaces. Planning also, as we saw in Module 5 (Planning) requires practice and skill in estimating the cost of jobs and determining what tasks will need to be performed, how they will be performed, by whom, and how long it will take to accomplish.

#### Client education


- Using the pamphlet *Protect Your Family From Lead In Your Home* as an opportunity to explain to your clients how you will do your work and how that will benefit your client. This information will assist in educating the client about lead-based paint and help to inform their expectations of the work that you do.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-6: Tool Kits

- Keep kits in separate, labeled containers.
- Tools can be purchased from wholesale tool suppliers, and vendors can be found by looking online and searching the Internet.
- Mention that students may wish to add additional tools or supplies for their tool kits.
- If possible, show examples of some or all of the products or tools in each kit. Remind the class that tool kit items are listed on the checklist used for the exercise in Module 5 and that more information about each tool kit is discussed on pages 2-6, 3-8, 3-11, 4-4 in the student manual.
- Tool kit summary:
  - **Setup kit:** utility knife, tape, protective sheeting,
  - **PPE kit:** coveralls, hat, gloves, respirator, first aid kit, shoe covers, safety glasses, ear protection for power tools [additional note on coveralls—reusable coveralls should be separated from non-work clothes and washed separately from household laundry]
  - **Safe work practices kit:** HEPA vacuum, other HEPA tools, box of brushes, wet/dry sandpaper
  - **Clean-up kit:** bottle mister, wet wipes, mop heads, mops, buckets, mop wringer



# Tool Kits

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- Setup
- PPE
- Safe Work Practices
- Clean-Up

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### Tool kit tips

- Keep kits in separate, labeled containers.
- The checklist of materials and supplies in the Module 5 exercise provides in one location a list of all tool kit items. Additional information on the tool kits can be found in this manual on pages 2-6, 3-8, 3-11, and 4-4.
- Tools can be purchased from wholesale tool suppliers, and vendors can be found by looking online and searching the Internet.
- Tool kit summary:
  - **Setup kit:** knives (e.g., utility knife), tape, protective sheeting, cones.
  - **PPE kit:** disposable coveralls, hat, gloves, respirators, first aid kit, shoe covers, safety glasses, ear protection for power tools.
  - **Safe work practices kit:** HEPA vacuum, other HEPA tools, box of brushes, wet/dry sandpaper.
  - **Clean-Up kit:** bottle mister, wet wipes, mop heads, mops, buckets, mop wringer.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-7: Liability Management

- As the slide points out, there are essentially four major methods to limit contractor liability in a lead-based paint environment.
  - Contract modifications are possible, but not common. Although this is not abatement work contract modifications are something that an attorney should review.
  - Post clean-up testing is not required except for work in properties that receive federal funding assistance (e.g., public housing);
  - Quality control encompasses post clean-up testing, but also includes the use of safe work practices and other methods to reduce and contain the creation of lead dust; and
  - Insurance is a common method for attempting to limit the consequences of liability.
- Regulations, whether federal, state, or local, create potential liabilities. If someone at a worksite is exposed to lead dust and/or becomes lead poisoned, contractors could be held liable.
- Guidelines and voluntary work practices presented in trainings such as this may create a new legal standard. This means that reasonable contractors should know how to work to prevent residents (and workers) from exposure to lead dust.
- As more information about lead-safe work practices becomes widely available, the legal standard for what is “reasonable” or “generally accepted” work practices in homes with lead-based paint may move toward (or become) the practices recommended in this training and other similar trainings. Therefore, contractors who do not rely on these work practices may be exposed to greater liability if they become involved in an insurance claim or legal proceeding.



### Liability Management

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#### — Four methods to limit liability

- Contract modifications
- Post clean-up testing
- Quality control
- Insurance

#### — Failure to comply with applicable regulations could expose contractors to liability

#### — Voluntary work practices presented in this training may create a new legal standard

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### Liability Management

To avoid legal liability the supervisor should:

- Be familiar with industry standards and any applicable laws and regulations
- Train workers to handle LBP issues
- Provide explanation and records of work in written form, including any hazards to the client
- Give written job descriptions that specify tasks, methods, results, and time frame
- Be aware of new developments
- Provide close supervision of work site

Possible claimants include: clients, residents, health or regulatory agencies, workers and other contractors, and owners of neighboring properties.

### Contract Modifications

Note that the work being performed is not abatement work. Contract modifications should be protective of contractor.

### Contractors have a legal duty to

- Exercise reasonable care in performing work
- Warn clients of potential hazards
- Be informed about applicable standards and requirements

Supervisors have a duty to act as any reasonable, competent supervisor given the circumstances of the situation and in accordance with industry standards. Failure to do so can be used as evidence of negligence.


# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-8: Scope of Work for Proposal

- C Proposals for working in lead-safe manner will require a scope of work different from traditional jobs.
- C Mention sources on slide that may be able to provide assistance in developing a scope of work that incorporates lead-safe work practices.
- C **Suggestion:** prior to teaching the course check out the web sites mentioned and contact representatives of the organizations to obtain samples or discuss the types of assistance that they can provide. You can relay this information to class participants.





# Scope of Work for Proposal

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- Lead Paint Safety Field Guide
- Model Specifications
- HUD Guidelines
- Associations

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- Proposals for working in lead-safe manner will require a scope of work different from traditional jobs. The sources listed below can provide information about the activities for working in a home with lead-based paint that are different from working on traditional jobs in homes without lead-based paint.

### Lead Paint Safety Field Guide

- The Field Guide can be found in Appendix 1 of this training. It will provide information that can help you identify the key activities to be performed when working on a home with lead-based paint.

### Model specifications

- The National Center for Lead-Safe Housing has model job and contract specifications for contractors working on homes with lead-based paint. Information on how to obtain these model specifications is available on the internet at [http://www.lead-safehousing.org/html/lead\\_specs.html](http://www.lead-safehousing.org/html/lead_specs.html)

### HUD Guidelines

- These guidelines, formally known as Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, are available on the internet at <http://www.hud.gov/lea/learules.html#download> or by searching on <http://www.hud.gov/offices/lead>.

### Associations

- Home construction and similar trade or professional associations can provide assistance, especially if you are a member.
- For example, the National Association of Home Builders (NAHB) could provide assistance on developing a work scope that identifies critical aspects of working in homes with lead-based paint. NAHB is located on the internet at <http://www.nahb.com>

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-9: Insurance

- C Insurance is perhaps the most common hedge against liability, or the consequences of being held liable, for client or worker exposure to lead dust.
- C Review Appendix 4 Liability Insurance Summary Fact Sheet and provide a brief overview for the class.
- C Point out the three main types of insurance and that pollution liability insurance is typically attached as a rider to CGL or E&O insurance policies.
- C You may wish to ask the class whether they have insurance and if so, whether it specifically covers them against lead poisoning claims.



# Insurance

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## – General liability insurance

- Certain state and local laws may require it
- Most policies contain a pollution exclusion clause

## – Pollution liability insurance

## – Errors and omissions insurance

- Typically for consultants, risk assessors, inspectors

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- See Appendix 4 Liability Insurance Summary Factsheet for a discussion of types and uses of insurance.

## Commercial General Liability (CGL) Insurance

- CGL Exclusion Section F
- CGL policies are readily available at reasonable cost, but typically specifically exclude coverage of pollution-related claims.
- Should include premises and operations liability, contractual liability, independent contractor liability, and products and completed operations liability.
- Try to get the policy endorsed to modify or eliminate the “pollution exclusion”
- The policy should be written on an “occurrence” basis. Occurrence policies require that there be bodily injury or property damage caused by an accident during the policy period, including continuous or repeated exposure to harmful conditions. There are no restrictions on when a resulting claim or suit must be made or brought against the insured, as there is in a “claims-made” policy.

## Errors and Omissions (E&O) Insurance

- Covers professional services rendered, such as by a certified lead-based paint inspector, or a consultant.

## Pollution Liability Insurance

- Usually attached to CGL or E&O insurance as a policy rider or written as a separate insurance policy altogether.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-10: Work Crew Management

- C The main point of this slide is that supervisors should ensure that workers have appropriate training or oversight, and equipment to work in a lead-based paint environment.
- C Stress importance of:
  - C matching personnel to the job, and
  - C quality control.
- C Remind participants that OSHA PPE standards for worker safety may be more stringent than recommendations in this, or other similar, manuals.



### Work Crew Management

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- **Personal protection equipment**
- **Match work crew skills to job requirements**
  - Lead and non-lead work environments
- **Daily oversight**
  - Daily quality control
  - Daily checking on cleaning

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### Personal Protection Equipment

- Includes respirators (such as an N-100), work suits, hats, shoe covers, etc.
- Not only will proper use of this equipment protect workers, but it will also protect clients and worker families from exposure to lead.
- Improper use of PPE can endanger workers.
- Proper training in use of personal protection equipment is essential to ensuring that the equipment will function as designed.

### Skill Matching

- This includes ensuring that workers with specific types of training or skills are assigned to tasks that make use of those skills. For example, you would not assign sole responsibility for laying poly on the floor, covering vents, windows, and doors to a worker with no previous experience in setting up a room for renovation.

### Daily Oversight

- Supervisors are responsible to make sure that workers at the work sites for which they are responsible are performing work in a manner consistent with containing dust and cleaning it up. Usually this involves spending time at the work site during the day to verify that work is progressing as planned.

# **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

## **Module 6 Instructor Notes**

### **Slide 6-11: Records Maintenance**

- C In addition to meeting the requirements for keeping a record of providing the pamphlet to clients, supervisors may also wish to consider reviewing with the client the punch list of work completed as a means of assisting in managing liability. This can be used to prove that the client agreed that the work was done.
- C Written records can also be helpful if the contractor is ever questioned about what he or she did.
- C Remind the class about the pamphlet in Appendix 2 and if you did not review all of the documents in Appendix 3, this is a good opportunity to do so.



# Records Maintenance

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## — Pamphlet

- Record of providing *Protect Your Family From Lead In Your Home* pamphlet required under the 406(b) rule

## — Recommend review with client the punch list of work completed

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### Client review

- Keeping a record of client approval of work performed can assist in building client confidence in your work as a contractor and also in managing your liability. The act of obtaining client approval is an opportunity for a positive interaction with the client.
- May be useful for liability protection as proof that contractor completed job and client was satisfied.
- Sign-off not always practical: final check clearing bank is legal proof of completion.
- Cleanup to a standard of no visible dust may be included in the punch list, and punch list may be reviewed with client at end of job.

### Pamphlet

- A copy of this pamphlet is in Appendix 2. Guidance on the 406(b) rule for contractors, property managers, and maintenance personnel is in Appendix 3. This consists of:
  - Part I (Revised June 25, 1999)
  - Correction and clarification of Part I regarding timing of pamphlet delivery (Jun 25, 1999)
  - Part II (October 15, 1999)
  - EPA Questions and Answers on the Pre-Renovation Lead Information Rule (TSCA 406(b)) (June 1998)

## **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

### **Module 6 Instructor Notes**

#### **Slide 6-12: Benefits of Using Lead-Based Paint Safe Practices**

- C Use these points as a means of summarizing the benefits of using safe work practices.
- C Tie these back to the introductions during which participants indicated what they hoped to get out of the class.
- C Stress the potential marketing benefits. Better quality work gets noticed and generally receives higher compensation. Lead-safe practices may prove attractive to clients who are better educated about the risks of lead paint in older homes, and who have the means to pay for higher quality work.



### Benefits of Using LBP Safe Practices

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- **Reduced liability exposure**
- **Increased employee morale**
  - Safer work sites
  - Better worker health
- **Marketing benefit**
  - Differentiation from other contractors
  - Generate positive word-of-mouth and publicity
  - Market as higher quality work
  - Provide clients with peace of mind

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#### **Reduced Liability Exposure**

- Using work practices that minimize generation of LBP, contain LBP that is generated, and clean up LBP after completing the work is a critical element in demonstrating that you have performed the work in a reasonable manner, therefore reducing potential liability.

#### **Employee Morale**

- Efforts to ensure safer work sites; by extension, better worker health can improve worker morale and productivity.

#### **Marketing Benefit**

- Relying on the work practices discussed in this training will lead to satisfied and knowledgeable customers who will be happy to tell their friends about the work you did. It also allows you to differentiate your business from other contractors. Word-of-mouth advertising and increased visibility are key elements in being able to attract new business.
- Remember: Your bid may be higher, so you should be prepared to discuss why it makes sense to hire a more knowledgeable and experienced worker to perform renovation, remodeling, or painting.

# Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting

## Module 6 Instructor Notes

### Slide 6-13: Discussion: Next Steps

- C Changing established work practices and methods can be difficult. The purpose of this discussion is to help participants identify specific concrete next steps that they can take to implement practices to minimize lead-based paint hazards when working.
- C This discussion will also serve as a course review.
- C **Ask participants:**
  - C What specific things do you need to do to prepare toolkits?
  - C What, specifically, will you need to do to ensure that work spaces are set up to contain lead dust?
  - C How will you ensure that workers use safe work practices?
  - C How will you make sure that the work site is cleaned up properly?
  - C How will you begin to talk to your clients about lead-based paint?
  - C Where can you find out what specific language can you put into proposals, work scopes, or contracts? What are some specific kinds of language you might be able to include?
  - C Are there other things you can do to help minimize lead-based paint hazards?
- C If participants have a difficult time coming up with answers to the questions, go back to the appropriate module (or slide) and review some of the things that they can do.



## Discussion: Next Steps

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### — What can you do to make each of these happen?

- Prepare toolkits
- Set-up to contain lead dust
- Use safe work practices
- Clean up and check work
- Inform and educate clients about lead paint hazards
- Revise contract and work scope forms

### — Other next steps?

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# **Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Painting**

## **Module 6 Instructor Notes**

### **Slide 6-14: Thank You!**

- C Ask if there are any final questions.
- C Refer them to the worksheet in the Module 5 exercise that lists resources for additional information.
- C Thank participants for their time, attention, and effort during the class.



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**Thank You!**

Thank you for your time and for attending  
this training course!